THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA): (a) to (c) Sec. 24 of the amended Industrial Disputes (I.D.) Act No. 46 of 1982 which sought to omit Sec. 6 (2) of the Sales Promotion Employees Act was not brought into force as this would have left sales promotion employees outside the ambit and protection of the Industrial Disputes Act, 1947. It was, therefore, decided to notify section 24 of the amended I. D. Act only after Section 2 (c) of that Act had been brought into force which inter alia, sought to include within the definition of term 'industry' any activity relating to the promotion of sales or business or both carriedout by an establishment. However, it has so far not been possible to enforce Section 2 (c) of the amended I. D. Act for want of alternative grievance settlement machinery for certain categories of establishments which were sought to be excluded from the purview of the Industrial. Disputes Act, 1947.

Amndment of Industrial Disputes Act to cover sales promotion

805. SHRI GAYA SINGH:
SHRI GURUDAS DAS GUPTA:

Will the Minister of LABOUR be pleased to state:

(a) whether Government's attention has been drawn to the Supreme Court judgement dated 17th August, 1994 holding that the Medical Representatives and sales Representatives are not covered by the definition "Workman" under section 2 (S) of the Industrial Disputes Act, 1947.

(b) whether Government have received a Memorandum dated 8th September, 1994 from the National Federation of Sales Representatives' unions in this regard requesting for the amendment of the Industrial Disputes Act so as to include the words "sales promotion" in the definition of "Workman" under Section 2 (S) of the Act; and

(c) if so, the details and Government's reaction thereto?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA): (a) and (b) Yes, Sir.

(c) The Federation has proposed that the Industrial Disputes Act, 1947 may be suitably amended to include the words "sales promotion in the definition of the term "Workman" under Section 2 (S) of the Act. The proposal has been noted for consideration at the appropriate time.

Sales promotion included in the definition of "Industry"

806. SHRI GAYA SINGH:
SHRI GURUDAS DAS GUPTA:

Will the Minister of LABOUR be pleased to state:

(a) whether it is a fact that as per the amendment made to the Section 2 (j) of the Industrial Disputes Act in 1982, any activity relating to promotion of sales or business or both carried out by an establishment was included in the definition of "Industry";

(b) if so, whether it is also a fact that this amendment has not been brought into force till date; and

(c) if so, what are the details and reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA): (a) and (b) Yes, Sir.